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10/510,472	10/07/2004	Young Mi Kim	740155.401USPC	1569
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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC			KENNY, DANIEL J	
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SUITE 5400			ART UNIT	PAPER NUMBER
SEATTLE, WA 98104			3633	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/510,472	KIM, YOUNG MI	
	<b>Examiner</b>	<b>Art Unit</b>	
	DANIEL KENNY	3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 29 January 2009.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) 9 and 10 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-8 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

    1. Certified copies of the priority documents have been received.

    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

**Claim 1** – is rejected under 35 U.S.C. 103(a) as being unpatentable over Shepherd (4,450,970).

Shepherd discloses a panel assembly comprising:

Panels (30) each having a front panel body having upper and lower ends, an upper bent section (32) formed toward the upper end of the front panel body, and extending upwardly therefrom to define a coupling recess extending in a longitudinal direction of the panel body, an engagement protrusion downwardly protruded (it is considered a matter of design choice as to the direction of the engagement protrusion) from the upper end of the panel body, the coupling recess being forwardly opened below (it is considered a matter of design choice as to the orientation of the coupling recess relative to the engagement protrusion) the engagement protrusion and extending in the longitudinal direction of the panel body, a lower bent section (42, 43) rearwardly bent from a lower end of the panel body while extending in the longitudinal direction of the panel body, the prefabricated panels being vertically aligned while being coupled to one another in such a manner that the lower bent section of an upper one of the prefabricated panels vertically adjacent to each other is fitted in the coupling recess defined by the upper bent section of a lower one of the adjacent prefabricated panels.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shepherd in view of JP 7180324.

Each of the prefabricated panels is not expressly disclosed a having a reinforcing section rearwardly protruded from a rear surface of the panel body of the prefabricated panel while extending in the longitudinal direction of the panel body to reinforce the panel body. JP discloses prefabricated panels having a reinforcing section (14) rearwardly protruded from a rear surface of the panel body of the prefabricated panel while extending in the longitudinal direction of the panel body to reinforce the panel body.

It would have been obvious to one of ordinary skill in the art at the time the present invention was made to combine the familiar panels of Shepherd with the reinforcing of JP because it does no more than yield predictable results of reinforcing the panel.

Claim 8 – is rejected under 35 U.S.C. 103(a) as being unpatentable over Shepherd in view of Eisenreich et al. (5,941,026).

Shepherd not expressly disclose display panel mounting members each coupled with the coupling recess of a selected one of the prefabricated panels, and adapted to mount a display panel for goods to the selected prefabricated panel, each of the display panel mounting members having a hook adapted to be engaged with the engagement protrusion of the prefabricated panel to be coupled with the display panel mounting

member, a fitting portion for fitting an end of the display panel therein, and a support portion for supporting the end of the display panel fitted in the fitting portion.

Eisenreich et al. discloses display panel mounting members (Fig. 1) each coupled with the coupling recess of a selected one of the prefabricated panels, and adapted to mount a display panel for goods to the selected prefabricated panel, each of the display panel mounting members having a hook adapted to be engaged with the engagement protrusion of the prefabricated panel to be coupled with the display panel mounting member, a fitting portion for fitting an end of the display panel therein, and a support portion for supporting the end of the display panel fitted in the fitting portion.

It would have been obvious to one of ordinary skill in the art at the time the present invention was made to combine the familiar panels of Shepherd with the display panel mounting members of Eisenreich et al. because it does no more than yield predictable results of mounting a display panel for goods to the panel.

Claims 1 and 3-7 – are rejected under 35 U.S.C. 103(a) as being unpatentable over Shepherd in view of Erickson et al. (5,398,468), Smallwood (2,072,386), and Fishman (5,857,578), and in further view of Menchetti (4,689,930) Wendt (4,127,974), and Itagaki (4,531,331).

Shepherd discloses a panel assembly comprising:

Panels (30) each having a front panel body having upper and lower ends, an upper bent section (32) formed toward the upper end of the front panel body, and extending upwardly therefrom to define a coupling recess extending in a longitudinal

direction of the panel body, an engagement protrusion downwardly protruded (it is considered a matter of design choice as to the direction of the engagement protrusion) from the upper end of the panel body, the coupling recess being forwardly opened below (it is considered a matter of design choice as to the orientation of the coupling recess relative to the engagement protrusion) the engagement protrusion and extending in the longitudinal direction of the panel body, a lower bent section (42, 43) rearwardly bent from a lower end of the panel body while extending in the longitudinal direction of the panel I body, the prefabricated panels being vertically aligned while being coupled to one another in such a manner that the lower bent section of an upper one of the prefabricated panels vertically adjacent to each other is fitted in the coupling recess defined by the upper bent section of a lower one of the adjacent prefabricated panels; and

longitudinal end finishing members (53) respectively adapted to finish longitudinal ends of the prefabricated panels arranged at an end region of the building construction.

Shepherd does not expressly disclose:  
corner finishing members each adapted to finish facing longitudinal ends of the prefabricated panels arranged adjacent to each other at a corner region of the building construction;

panel connecting members each adapted to couple facing longitudinal ends of the prefabricated panels longitudinally aligned while being adjacent to each other to define a junction therebetween;

upper end finishing members respectively adapted to finish upper ends of uppermost ones of the prefabricated panels; and  
lower end finishing members respectively adapted to finish lower ends of lowermost ones of the prefabricated panels.

Erickson et al. discloses corner finishing members (24); Smallwood discloses panel connecting members (5); and, Fisman discloses upper and lower end finishing members (18).

It would have been obvious to one of ordinary skill in the art at the time the present invention was made to combine the familiar panels of Shepherd with the members of the secondary references because it does no more than yield predictable results of providing a more finished appearance.

Shepherd in view of Erickson et al., Smallwood, and Fishman does not expressly disclose the corner finishing members having a diagonal body portion, a pair of outer extensions extending outwardly from opposite ends of the diagonal body portion in horizontal and vertical directions, respectively, a pair of inner extensions extending inwardly from the opposite ends of the diagonal body portion in vertical and horizontal directions, respectively, and a pair of outer claws protruded outwardly from the inner extensions, respectively, whereby the corner finishing member is coupled with the facing longitudinal ends of the prefabricated panels in such a manner that the facing longitudinal ends of the prefabricated panels are fitted between the outer extensions and the outer claws associated therewith, respectively.

Menchetti discloses corner finishing members (54) having a diagonal body portion (between 58s), a pair of outer extensions extending outwardly from opposite ends of the diagonal body portion in horizontal and vertical directions, respectively, a pair of inner extensions (58) extending inwardly from the opposite ends of the diagonal body portion in vertical and horizontal directions, respectively, and a pair of outer claws (60) protruded outwardly from the inner extensions, respectively, whereby the corner finishing member is coupled with facing longitudinal ends of panels in such a manner that the facing ends of the panels are fitted between the outer extensions and the outer claws associated therewith, respectively.

It would have been obvious to one of ordinary skill in the art at the time the present invention was made to combine the familiar panels of Shepherd with the corner of Menchetti because it does no more than yield predictable results of securely holding the corner trim.

Shepherd in view of Erickson et al., Smallwood, and Fishman does not expressly disclose the panel connecting members having a T-shaped body having a horizontal portion and a vertical portion extending vertically, at one end thereof, from a central position of the horizontal portion, and a pair of coupling claws extending inclinedly outwardly from the other end of the vertical portion in the T-shaped body toward the horizontal portion of the T- shaped body at opposite sides of the vertical portion, respectively, whereby the panel connecting member is coupled with the facing longitudinal ends of the junction-defining prefabricated panels in such a manner that the facing longitudinal ends of the junction-defining prefabricated panels are fitted between

the horizontal portion of the T-shaped body and the coupling claws associated therewith, respectively.

Menchetti discloses panel connecting members (118) having a T-shaped body having a horizontal portion and a vertical portion extending vertically, at one end thereof, from a central position of the horizontal portion, and a pair of coupling claws (on 116) extending inclinedly outwardly from the other end of the vertical portion in the T-shaped body toward the horizontal portion of the T-shaped body at opposite sides of the vertical portion, respectively, whereby the panel connecting member is coupled with the facing longitudinal ends of the junction-defining prefabricated panels in such a manner that the facing longitudinal ends of the junction-defining prefabricated panels are fitted between the horizontal portion of the T-shaped body and the coupling claws associated therewith, respectively.

It would have been obvious to one of ordinary skill in the art at the time the present invention was made to combine the familiar panels of Shepherd with the connecting member of Menchetti because it does no more than yield predictable results of securely holding the connecting member.

Shepherd in view of Erickson et al., Smallwood, and Fishman does not expressly disclose the longitudinal end finishing members having an inverted L-shaped body having a horizontal portion and a vertical portion, and a coupling claw extending inclinedly from a substantially intermediate position of the vertical portion in the inverted L-shaped body toward the horizontal portion of the inverted L-shaped body, whereby the longitudinal end finishing member is coupled to the longitudinal end of the

prefabricated panel associated therewith in such a manner that the longitudinal end of the associated prefabricated panel is fitted between the horizontal portion of the inverted L-shaped body and the coupling claw associated therewith.

Wendt discloses longitudinal end finishing members (17) having an inverted L-shaped body having a horizontal portion and a vertical portion, and a coupling claw (28) extending inclinedly from a substantially intermediate position of the vertical portion in the inverted L-shaped body toward the horizontal portion of the inverted L-shaped body, whereby the longitudinal end finishing member is coupled to an end of a panel associated therewith in such a manner that the end of the associated panel is fitted between the horizontal portion of the inverted L-shaped body and the coupling claw associated therewith.

It would have been obvious to one of ordinary skill in the art at the time the present invention was made to combine the familiar panels of Shepherd with the longitudinal end finishing members of Wendt because it does no more than yield predictable results of securely holding the longitudinal end finishing members.

Shepherd in view of Erickson et al., Smallwood, and Fishman does not expressly disclose the upper end finishing members having an S-shaped body having upper and lower bent portions, and a coupling claw extending inclinedly inwardly from an outer tip of the upper bent portion, whereby the upper end finishing member is coupled with the upper end of the uppermost prefabricated panel associated therewith in such a manner that the coupling claw of the upper end finishing member is engaged with a rear surface of the associated uppermost prefabricated panel at the upper end of the associated

uppermost prefabricated panel, and that the lower bent portion is fitted in the fitting recess of the associated uppermost prefabricated panel.

Itagaki discloses an upper end finishing members having a generally S-shaped body having upper and lower bent portions, and a coupling claw (outermost portion bent at 90°) extending inclinedly inwardly from an outer tip of the upper bent portion, whereby the upper end finishing member is coupled with the upper end of the uppermost prefabricated panel associated therewith in such a manner that the coupling claw of the upper end finishing member is engaged with a rear surface of the associated uppermost prefabricated panel at the upper end of the associated uppermost prefabricated panel, and that the lower bent portion is fitted in the fitting recess of the associated uppermost prefabricated panel.

It would have been obvious to one of ordinary skill in the art at the time the present invention was made to combine the familiar panels of Shepherd with the upper end finishing members of Itagaki because it does no more than yield predictable results of securely holding the upper end finishing members.

Shepherd in view of Erickson et al., Smallwood, and Fishman does not expressly disclose the lower end finishing members having an inverted S-shaped body having an upper bent portion defining a forwardly-opened coupling recess, and an engagement protrusion upwardly protruded from an upper end of the inverted S- shaped body, whereby the lower end finishing member is coupled with the lower end of the associated lowermost prefabricated panel in such a manner that the lower bent section of the associated lowermost prefabricated panel is fitted in the coupling recess of the lower

end finishing member. However, since it would have been obvious to one of ordinary skill in the art at the time the present invention was made to combine the familiar panels of Shepherd with the upper end finishing members of Itagaki because it does no more than yield predictable results of securely holding the upper end finishing members, it would be equally obvious to use a similar arrangement as the lower end finishing members because it does no more than yield predictable results of securely holding the lower end finishing members.

### ***Response to Arguments***

Applicant's arguments have been fully considered but they are not persuasive.

#### **Claim 1**

First, regarding the argument that "The downwardly extending flange in Shepherd that the Examiner analogizes to the recited engagement protrusion in claim 1 is actually part of an upper channel 35 of a lower panel, and extends downwardly and rests in a bottom channel 36 of an upper panel, the channels 35, 36 of the two panels in combination forming a recess 50 that is completely open on its forward side.", the flange of Shepard serves the same purpose as the claimed protrusion, namely to retain accessories attached thereto.

Next, regarding the argument that "In Figure 11, two recesses 50 receive a shelf unit 70 that have flat flanges resting on the lower surfaces of the two recesses 50. Shepherd therefore discourages use of a coupling protrusion", Shepard does not so

discourage a coupling protrusion, as such is provided at the top location, 71, as shown in Fig. 11, and the bottom of 70 simply rests in the recess, 50, as shown at 72.

Next, regarding the argument that the coupling recess and engagement protrusion “cooperate to allow a more stable coupling of upper and lower panels, and a more versatile structure for accommodating accessories”, although such a benefit is apparently disclosed in the specification at para. 11, it is not attributed to engagement protrusion orientation, thus such is considered a design choice as either upward or downward perform the same function equally well. In addition, there appears to be no, or only an insignificant, difference in ease of mounting member insertion.

Regarding any disadvantage of the rearwardly spaced Shepard-taught flange, even if such a disadvantage exists, it is compensated for by the strength of the flange itself compared to the inventive, unsupported forwardly positioned one. Thus, both perform the same function of rigidly holding accessories to the panel.

Regarding the argument on page 11, it is unclear how the Shepard panel, or any bends therein, are any more likely to bend than the inventive, unsupported upward engagement protrusion.

### Claim 2

Element 14 of Hideo reinforces the panel. Any slight difference in the use of the panels is insignificant.

### Claim 3

Menchetti discloses a corner trim detail portion of a panel structure. Shepard teaches a panel structure. Menchettii, therefore, provides the motivation to modify Shepard to include corner trim. The structure of the Menchetti corner is essentially identical to the claimed, inventive corner.

Claim 4

The ratchets on the arm 116 are outwardly inclined, and are not “positioned in the intermediate region of the corresponding inward flanges“, as clearly shown in Fig. 4, and arms do extend from a central portion as broadly recited, because they stmettrically define a central portion.

Claim 5

The flange is inclined, for example, at 90 degrees, and the arrow shaped end generally extends from an intermediate portion of the member as shown in Fig. 2.

Claim 6

The top trim of Itagaki is generally S shaped, depending on the orientation, and the cited portion can be considered a claw as broadly recited.

Claim 7

Courts recognize the obviousness of duplicating equivalent structures of a reference.

Claim 8

Shepard clearly recognizes that hook adapted display panels are within the scope of accessories that would be attached to the panel. Eisenreich is simply one of many such members that are so used in the art.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL KENNY whose telephone number is (571)272-9951. The examiner can normally be reached on Mon-Fri. 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571 272 6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeanette E Chapman/  
Primary Examiner, Art Unit 3633  
/D. K./  
Examiner, Art Unit 3633